



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

VICTOR B. KLEY

Application No.: 10/047,454

Filed: January 14, 2002

For: SCANNING PROBE
MICROSCOPE ASSEMBLY AND
METHOD FOR MAKING
SPECTROPHOTOMETRIC, NEAR-
FIELD, AND SCANNING PROBE
MEASUREMENTS

Customer No. 20350

Examiner: Thanh X. Luu

Art Unit: 2878

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references [in compliance with the requirements of 37 CFR §1.98(a)(2)] are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

The four Japanese references cited in this Information Disclosure Statement came to Applicant's attention after the issue fee was paid on January 25, 2006. This Information Disclosure Statement is being filed along with a Petition to withdraw the application from issue and an RCE.

The four Japanese references were cited in a recent office action in a Japanese counterpart application. The Japanese application includes claims 1-14, which correspond to claims 29-42 as originally filed in this application. The cited U.S. patent corresponds to a Japanese reference that was cited in an earlier office action in the Japanese application.

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



David N. Slone
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60743647 v1



Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/047,454
				Filing Date	January 14, 2002
				First Named Inventor	Kley, Victor B.
				Art Unit	2878
				Examiner Name	Thanh X Luu
Sheet	1	of	1	Attorney Docket Number	020921-001110US

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	US-5,319,977	06/14/1994	Quate et al.	
	AB	US-			
	AC	US-			
	AD	US-			
	AE	US-			
	AF	US-			
	AG	US-			
	AH	US-			
	AI	US-			
	AJ	US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ³	Number ⁴	Kind Code ⁵ (if known)		
	AK	JP	04-032424		9/7/1993 Fujitsu LTD	English Abstract <input type="checkbox"/>
	AL	JP	63-062186		9/2/1989 Fujitsu LTD	English Abstract <input type="checkbox"/>
	AM	JP	03-140323		13/3/1992 Canon Inc.	English Abstract and partial translation <input checked="" type="checkbox"/>
	AN	JP	02-131433		1/30/1992 Toshiba Corp	English Abstract and partial translation <input checked="" type="checkbox"/>

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² Kind Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.